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Report of the Committee on Relations with the Host Country

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Note

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I. Introduction

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI) of 15 December 1971. The General Assembly, by its resolution 59/42 of 16 December 2004, decided to include in the provisional agenda of its sixtieth session the item entitled "Report of the Committee on Relations with the Host Country". The present report is submitted pursuant to resolution 59/42.

2. The report consists of four sections. The recommendations and conclusions of the Committee are contained in section IV.

II. Membership, composition, terms of reference and organization of the work of the Committee

3. The Committee is composed of 19 members, as follows:

Bulgaria	Iraq
Canada	Libyan Arab Jamahiriya
China	Malaysia
Costa Rica	Mali
Côte d'Ivoire	Russian Federation
Cuba	Senegal
Cyprus	Spain
France	United Kingdom of Great Britain
Honduras	and Northern Ireland
Hungary	United States of America

4. The Bureau of the Committee consists of the Chairperson, the three Vice-Chairpersons, the Rapporteur and a representative of the host country who attends Bureau meetings ex officio. During the reporting period, Andreas D. Mavroyiannis (Cyprus) continued to serve as Chairperson. The representatives of Bulgaria, Canada and Côte d'Ivoire served as Vice-Chairpersons. On 3 September 2005, the Chairperson was informed that Emilia Castro de Barish (Costa Rica) had decided to retire after many years of service. Members of the Committee as well as observers expressed gratitude to Ms. Castro de Barish for her invaluable contribution to the work of the Bureau. Consistent with the established practice and as recommended by the Bureau, the Committee elected by consensus Marcela Calderón (Costa Rica) as its Rapporteur at the 225th meeting.

5. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). In May 1992, the Committee adopted, and in March 1994 slightly modified, a detailed list of topics for its consideration, which is set out in annex I to the present report. The Committee issued two documents during the reporting period, A/AC.154/362 and 363 (see annex II to the present report).

6. During the reporting period, the Committee held the following meetings: the 223rd meeting, on 15 April 2005; the 224th meeting, on 6 July 2005; the 225th meeting, on 28 September 2005; and the 226th meeting, on 28 October 2005.

III. Topics dealt with by the Committee

A. Transportation: use of motor vehicles, parking and related matters

7. At the 223rd meeting, the representative of Mali referred to the implementation of the New York Parking Programme for Diplomatic Vehicles. While expressing gratitude to the host country for facilitating an environment enabling his delegation to conduct its work, he recalled the disagreement voiced by his delegation at the time of inception of the Programme, and indicated that the disagreement persisted. He expressed concern that responses to complaints raised about parking tickets were often too slow and that tickets were considered payable in the interim. Moreover, the registration of Mission motor vehicles and of private vehicles was unduly withheld. He wondered whether improvements could be made in that regard.

8. The representative of the Russian Federation reiterated his delegation's position that, despite the enhanced cooperation of the Russian Mission with the federal and municipal authorities, the Parking Programme continued to have shortcomings. First of all, the allocation of two parking spaces to the Russian Mission in accordance with the Parking Programme was not enough for a mission with more than 100 vehicles. Moreover, one of the key elements of the Programme was to ensure the availability of diplomatic parking spaces 24 hours a day, seven days a week. Despite that obligation of the City of New York, the Russian Mission's parking spaces were constantly occupied by unauthorized vehicles, which were not subjected to ticketing or towing. He referred to the photographs demonstrating these facts, which had been sent to the United States Mission. He finally mentioned the various unsuccessful attempts made by his Mission to address this problem, both in writing and over the "hotline", and urged the City authorities to assist in resolving it.

9. In response to the concerns raised by the representative of Mali with regard to the slow pace of the appeals process, the representative of the host country invited him to discuss the matter in a trilateral meeting with the City of New York, which in his view would be more productive than a discussion in the framework of the Committee. With respect to the non-renewal of registrations for private vehicles belonging to staff of a mission, he explained that, in accordance with the Parking Programme, one mission-owned vehicle with too many outstanding tickets would prevent the renewal of another vehicle's registration.

10. With a view to ironing out any misconceptions on the matter raised by the Russian Federation, the representative of the host country offered to set up a trilateral meeting between the Russian Mission, the host country and the City. He observed that the Mission faced a "Catch-22" situation because of its close proximity to both the police and the fire station. That location was, however, an asset for the Mission in terms of security. He also observed that the City of New York had tried to resolve the difficulties encountered by the Russian Mission. He referred to the constructive discussions on the subject that had taken place with the representatives of the host country and the City authorities, and suggested addressing the Mission's concerns at the above-mentioned trilateral meeting.

11. At the 224th meeting, the representative of the Russian Federation followed up on the concerns raised at the previous meeting. He indicated that his Mission continued to experience difficulties in relation to parking spaces. Even though the Mission had only two parking spaces for 100 vehicles, those spaces were constantly occupied by other vehicles, which were never subjected to summons by the municipal authorities. He also underlined that, in the past three months, the Mission had not received monthly reports on parking tickets imposed on members of the Mission, and wondered about the reasons for this silence. He stressed that even if it was because no tickets had been imposed, the Mission would appreciate receiving a monthly report stating, as appropriate, that no tickets had been issued.

12. The observer of Viet Nam thanked the host country for its continued efforts to facilitate the work of permanent missions in New York and reminded the Committee that, while her Mission was located on 48th Street, the two parking spaces allocated to it were on 49th Street. That location created daily inconveniences for the Mission. Recalling that the matter had previously been brought to the attention of the United States Mission, she enquired whether the host country could give consideration to allocating one parking space on 48th Street.

13. The observer of the Bolivarian Republic of Venezuela noted that, when he had taken up his functions as Permanent Representative, a number of fines were overdue. Despite the various attempts made to resolve outstanding issues in that respect, including at a meeting with representatives of the City of New York, no satisfactory settlement could be reached owing to the ambiguous and inaccurate responses provided by the latter.

14. After thanking the host authorities for their efforts with regard to the various issues addressed, the observer of Nigeria brought to their attention the difficulties encountered by his Mission in relation to the parking spaces reserved for the Permanent Representative of the Mission. The latter were often occupied by official vehicles, including those of the New York City Police.

15. The representative of the host country reiterated that his Mission would continue to do all it could to assist missions in New York. He referred to two recent diplomatic notes from the United States Mission on the subject, recalling that missions should notify the New York hotline as well as the United States Mission when encountering parking difficulties. He then congratulated the Russian Mission for the manner in which it had managed its parking over the past few years, underlining that it had been the Mission with the largest number of tickets in the past and was currently the Mission with the fewest. He took note, however, of the Mission's complaints about unauthorized car parking. With regard to the absence of a report for the past three months, he suggested that it might be due to the fact that the Mission had been issued only a small number of tickets during that period and invited the Mission to contact the City of New York for clarification. He also indicated that if the Mission had not been made aware of such tickets, they might be contested, in which case the United States Mission would offer its support.

16. Responding to the observer of Viet Nam, the representative of the United States recalled that the Vietnamese Mission was located in a building that was very close to the United Nations and housed the largest number of Permanent Missions. As such, what was gained in terms of convenience by being close to the United Nations might be lost in terms of parking convenience owing to the impossibility of allocating parking spaces in front of the building to all missions located in that

building. He offered to provide the observer of Viet Nam with a list of missions which had parking spaces in front of the building and might prefer the back, so that a switch might be envisaged. He expressed confidence that the City of New York would offer its support to such an arrangement.

17. At the 225th meeting, the representative of the Russian Federation referred once more to the difficulties encountered by his Mission. Although he noted that the City authorities had improved the qualitative implementation of the Parking Programme, he opined that not all of the obligations of the City of New York were being carried out fully. He expressed continued concern over the lack of a solution for the problems derived from the Mission's insufficient parking spaces. He stated that the City of New York, in spite of the Mission's requests, was not carrying out its obligation to ensure the respect of local laws and that the Parking Programme was implemented with some drawbacks inherent in it. He expressed hope that in the future not only missions but also the local authorities would carry out their obligations under the Parking Programme.

18. The representative of Mali recalled the reservations expressed by his delegation with regard to the validity of the Parking Programme. He also called upon the authorities of the host country to address the difficulties resulting from the constant occupation of the parking spaces allotted to the Mission, saying that the Mission's appeals remained unsuccessful. He concluded by asking for the full and stringent application of the relevant rules and regulations.

19. The observer of the Syrian Arab Republic said that his Mission had reservations regarding the legality of the Parking Programme; it violated the Headquarters Agreement and the Vienna Convention on Diplomatic Relations. He lamented the authorities' refusal to renew licence plates when a Mission had been issued more than two parking tickets. He further lamented the lack of clarity in the parking signs and the fact that diplomats, by virtue of their diplomatic immunity, could not go to a court of law or resort to judicial means. Accordingly, they addressed such matters in writing, finding themselves unable to prove that there was no violation when the appeals committee confirmed the violations. He also pointed out that the committee or the Appeals Panel did not respond to the Mission's written requests for clarification. He expressed the wish to hear the opinion of the representative of the host country regarding these issues.

20. The representative of the host country confirmed that he and the Russian representative had had many conversations, in which the representative of the Russian Federation had expressed his appreciation for the efforts of the United States Mission. He also thanked the Russian Federation for its efforts in terms of parking. He encouraged the Mission to notify the United States Mission of the unavailability of its parking spaces and reiterated that the City of New York was committed to working with the Russian Mission. He thus invited the representative of the Russian Federation to have a meeting with him and the New York City Commissioner for the United Nations, Consular Corps and Protocol immediately after the Committee meeting. The representative of the United States further stated that he was unaware of any complaints ever received from the Permanent Mission of Mali with regard to its parking situation. Nevertheless he expressed willingness to help the Mission whenever specific complaints were brought to the attention of the United States Mission and offered to meet with the representative of Mali. With regard to the remarks made by the observer of the Syrian Arab Republic, the

representative of the United States recalled that the Legal Counsel of the United Nations had determined the Parking Programme to be consistent with international law. He thus did not share the opinion of the observer of the Syrian Arab Republic that the Programme was inconsistent with the obligations of the United States vis-à-vis the diplomatic community in New York. He further stated that the remarks of the observer of the Syrian Arab Republic regarding the Appeals Panel had not been brought to his attention before the meeting and offered to address that particular problem at a meeting with the observer of the Syrian Arab Republic.

21. The observer of the Syrian Arab Republic expressed his gratitude to the representative of the United States for his replies. While he welcomed the contribution of the legal opinion given by the Legal Counsel in 2000 on the Parking Programme, he pointed out that such opinions were not binding. He also recalled that it had previously been suggested that the matter should be brought to the attention of the International Court of Justice. He concluded his statement by expressing gratitude to the representative of the United States for his proposal to meet in order to settle these matters in the best way possible.

B. Acceleration of immigration and customs procedures

22. At the 223rd meeting, the representative of Mali expressed his appreciation to the United States authorities for the diligence and care with which the requests for courtesy assistance in the screening of official delegations at ports of entry had been considered. He expressed the view that the screening exemptions should be extended to the staff of diplomatic missions and requested the host country to give serious consideration to that suggestion, in particular with regard to the exemption from fingerprinting and photographing, "for the dignity" of the individuals in question.

23. The representative of the host country responded that the new programme entitled "US Visit" required all those entering the country to be subjected to fingerprinting. However, G visa holders and their dependants were exempted from photo and fingerprinting requirements. He asked to be informed of cases where G visa holders or their dependants were subjected to photo or fingerprinting requirements.

24. The representative of Mali took note of the information with satisfaction and asked whether the courtesy exemption from body search, applied at the ministerial level, could also be extended to permanent representatives accredited to the United Nations. In response, the representative of the host country recalled that the Department of State had denied that request in 2004 and offered to redirect the attention of the competent authorities to the matter.

25. The representative of the Russian Federation drew the Committee's attention to the introduction of the new customs regulations at ports of entry. He characterized the new procedures as excessively lengthy. Moreover, they were affecting the departure of aircraft, especially those belonging to Aeroflot, which were usually used by the official delegations of the Russian Federation.

26. The representative of the host country replied that the procedures for airline arrivals were in essence outside the scope of work of the Committee. He further stressed that the authorities of the host country considered the clearance procedures

at airports for G visa holders very seriously. As it was aware of instances where delays had occurred, the United States Mission had made plans to hold meetings with officials of John F. Kennedy International Airport, and hoped to be in a position to report on the issue at the next meeting of the Committee.

27. The representative of Costa Rica requested the host country to extend its review of the delays at airports to other ports of entry, including Miami.

28. The observer of the Bolivarian Republic of Venezuela drew the attention of the Committee to instances of improper and unpleasant treatment given by the host country airport authorities to members of his Mission. He described such incidents as matters for indignation, aimed at undermining the customary understanding of diplomatic privileges and immunities. He lamented the fact that, in response to its communication to the United States Mission, the Venezuelan Mission had received an unsatisfactory reply from the host country.

29. The representative of the United States recalled that his Mission had held a meeting with the Department of Homeland Security and airport immigration authorities to discuss immigration procedures at United States airports. That meeting had been productive and had resulted in a significant reduction of complaints received from members of the permanent missions and the Secretariat with regard to arrival and departure procedures. The United States Mission intended to organize a follow-up meeting at Kennedy Airport in August in view of the preparations for the High-level Plenary Meeting of the sixtieth session of the General Assembly.

30. Responding to the concerns expressed by the observer of the Bolivarian Republic of Venezuela, the representative of the United States welcomed being informed of any incident of that nature. He pointed out that the purpose of enhanced security procedures at the airports was to ensure the integrity and safety of flights. To that end, some passengers were taken to a secondary screening procedure determined by the airlines when issuing boarding passes. As a rule, such secondary screening was done on a random basis by the individual airlines. He suggested that it might be useful to take up the matter with the airline in question. Meanwhile, the United States Mission would continue to give the issue a high level of attention. While noting with satisfaction that the number of complaints had significantly decreased, he invited delegations to keep the United States Mission informed of any incidents in the future.

31. The observer of the Bolivarian Republic of Venezuela recalled two cases of abusive searches undertaken by Continental Airlines security officials. In both cases, they were directed at the Permanent Representative himself.

32. At the 225th meeting, the observer of the Bolivarian Republic of Venezuela expressed concerns about the inappropriate treatment of diplomatic personnel of United Nations missions at United States airports and customs. He reported recent incidents during which the Permanent Representative and his wife had undergone an extremely humiliating search justified by the airline on the ground that "SSSS" appeared on their airline tickets. That annotation had resulted in a "special screening" established by the Transportation Security Administration. He recalled that the host country had previously been called upon to grant permanent representatives the same treatment as ministers with regard to searches at ports of

entry or departure. He also mentioned that all members of the Venezuelan delegation had experienced degrading and humiliating treatment.

33. The observer of Jamaica associated herself with these remarks, referring to "less than desirable" experiences which had affected both the Permanent Representative and the Foreign Minister of Jamaica. She also objected to the 24-hour-notice requirement imposed by the United States authorities. She acknowledged, nevertheless, that noticeable progress had been made in the context of recent events held at United Nations Headquarters and expressed her appreciation in that regard, hoping that this would be the norm in the future.

34. The representative of Mali expressed his delegation's gratitude for the assistance received during the High-level Plenary Meeting of the sixtieth session of the General Assembly and followed up on the requests made by the Bolivarian Republic of Venezuela and Jamaica. Those requests echoed his own previous request with regard to the treatment of permanent representatives. He invited the host authorities to provide feedback on the matter.

35. The observer of the Syrian Arab Republic said that diplomats, including Syrian diplomats, were subjected at random to secondary screening searches, and suggested that the host country should refrain from searching diplomats in accordance with its obligations and as a matter of courtesy. He also lamented the fact that some diplomats were delayed for some time at their port of entry in the United States, and sought clarifications in that regard.

36. The representative of the United States acknowledged with gratitude the positive comments made by members and observers of the Committee regarding the improvements introduced in connection with airport procedures and other areas. With regard to the concerns expressed by the representative of the Bolivarian Republic of Venezuela, he offered to meet with a Venezuelan representative to discuss the matter and suggested that it would be helpful if the Mission would inform the United States authorities of any future travel plans in advance. With respect to the request made by the representative of Mali, he reported that his authorities deemed it impossible to extend airport courtesies granted to cabinet-rank officials to permanent representatives. That was essentially due to the fact that security at airports was under the control of transportation security agencies as opposed to being under the control of the State Department. In addition, as the courtesy itself was performed by a State Department officer, the lack of resources at that level made it impossible to extend it to the permanent representatives or bilateral ambassadors. However, the representative of the United States indicated that the matter should not be considered closed and expressed confidence that his Government would continue to consider it in the future. With regard to the remarks made by the representative of the Bolivarian Republic of Venezuela on the secondary screening, he stated that such screening was determined by the individual airlines based on certain booking characteristics, and not by the Department of Homeland Security or the Department of State. He thus suggested that the matter be taken up with the airlines concerned. He also recalled that very few complaints of that nature were received, as most diplomats understood that air traffic security was in the interest of all and should not be considered a violation of diplomatic immunity. Finally, he underlined that the secondary screening was not directed at any particular diplomat or any particular country. He invited all delegations to notify the Host Country Affairs Section of the United States Mission immediately of any

incident at the port of entry or exit, rather then waiting for the next meeting of the Committee to raise the complaints.

37. The observer of the Bolivarian Republic of Venezuela objected to the host country's request for members of the Mission, including the Permanent Representative, to give notice of their travel plans. She described such a requirement as a lack of respect given that the diplomatic representatives could not be considered a threat to the security of the United States. She suggested that the host country provide training for airport and airline personnel so that all agents would be aware of diplomatic privileges and immunities.

38. The representative of the Libyan Arab Jamahiriya thanked the representative of the United States for his clarifications. However, he lamented the fact that diplomats were subjected to humiliating inspections and asked that appropriate remedies be applied to put an end to such incidents. As an example, he mentioned that a well-known African Union official and the Libyan Minister of Planning had recently been subjected to rigorous inspection at La Guardia Airport, despite the advance notice given to the United States authorities.

39. The observer of the Syrian Arab Republic also thanked the representative of the United States for his clarifications. He expressed reservations about screening procedures, in particular secondary screening. He referred to a recent incident where the handbag of a diplomat had been inspected, although he had made his status known to the airport agents. Hence, he emphasized the need for proper training of airport personnel. With regard to courtesies extended to ministers, he suggested that a responsible official should always be present at the airport. He also emphasized the need for strengthened coordination between the Department of Homeland Security and the Department of State to ensure respect for privileges and immunities.

40. The observer of Malaysia expressed satisfaction that courtesies of the port were accorded to all cabinet ministers. Nevertheless, he highlighted one instance where the application for courtesies on departure of a minister had been denied on the justification that they could not be granted to all Malaysian ministers given their large number. The matter had been resolved after an appeal. On the basis of the information just conveyed by the United States representative, he expressed the hope that no similar appeal process would be necessary in the future.

C. Entry visas issued by the host country

41. At the 223rd meeting, the representative of the Russian Federation appealed for a review of the application deadlines set by the host country, especially as they applied to official delegations, explaining that in the day-to-day life of the Ministry of Foreign Affairs it was almost impossible to comply with the 15-working-days time frame. Besides, unforeseen circumstances sometimes necessitated last-minute visa applications. In that connection, he referred to cases where Russian delegates could not participate in scheduled programmes because their entry visa had not been issued in due time. While expressing gratitude to the United States Mission for the assistance it provided in relation to the issuance of visas, he appealed for more flexibility in the consideration of applications, referring to the obligation of the host country under chapter 11 of the Headquarters Agreement to deliver visas.

42. The representative of the host country recalled that three staff members were assigned full time to the issuance of visas in the United States Mission. He stressed that the Mission was doing its utmost to ensure that visas were delivered on time. As a result, the majority of visas requested by the Russian Federation were indeed delivered within the 15-working-day period. Referring to the additional security measures introduced after 11 September 2001, he added that there were nonetheless instances where the issuance of visas had taken longer than before. As for the possibility of shortening the time frame within which requests for visas should be submitted, he stated that he would again bring the matter to the attention of his authorities.

43. The observer of Nepal also expressed the view that this issue needed reconsideration. In exceptional circumstances, applications for visas submitted by individuals travelling on United Nations official business should be considered positively even if made outside of the required time frame.

44. At the 224th meeting, the representative of the Russian Federation followed up on the issue raised at the 223rd meeting, indicating that the 15-day time frame to grant visas imposed by the United States authorities had impeded the participation of the Ministry of Foreign Affairs and other ministries in several United Nations meetings.

45. The observer of Nigeria stated that, in the past month, the late receipt of visas had prevented the Minister of Transport and the Minister of Water Resources from attending a meeting of the Economic and Social Council. He requested the host authorities to examine the matter in order to prevent this from recurring in the future.

46. Addressing the question raised by the representative of the Russian Federation, the representative of the host country reported that he had been informed by his authorities that the 15-working-day application procedures for granting visas had to be maintained. As a matter of fact, there were almost constant discussions on a bilateral basis between Washington and Moscow to facilitate the granting of visas. The United States Mission was doing everything possible to ensure that visas were granted when needed, including in instances where applications were submitted one week before a meeting. A very good relationship had developed between the United States Mission and the Russian Mission. The same applied to the Cuban Mission. As for the comments made by the observer of Nigeria, the representative of the host country said that the Mission would have intervened had it known that ministers had not been granted visas to attend a meeting of the Economic and Social Council. He encouraged all delegations to contact the United States Mission when problems regarding the issuance of visas were anticipated or had occurred. He recalled that the United States Mission issued about 6,500 visas a year. In addition, 7,000 visas were issued by United States foreign service posts abroad to individuals travelling on United Nations official business, and 4,000 to 5,000 visas were issued to invitees (largely representatives of non-governmental organizations) to United Nations events. He concluded that the number of problems encountered was minuscule compared to the number of visas issued. Finally, he referred to recent problems encountered in a United States embassy issuing visas for United Nations events and explained that such problems were caused by staffing shortages. He had now been assured that those problems had been resolved.

47. At the 225th meeting, the Permanent Representative of Cuba deplored the fact that the President of the Cuban National Assembly had been prevented from participating in the second World Conference of Speakers of Parliament convened by the Inter-Parliamentary Union (IPU) at United Nations Headquarters from 7 to 9 September 2005. He explained that the President of the National Assembly had been denied a visa by the host authorities on the grounds that his entry would be detrimental to the interest of the United States pursuant to section 212 (f) of the host country's Immigration and Nationality Act. He recalled that the Conference had been convened to provide follow-up to the first Conference of Presiding Officers of National Parliaments, held in New York in 2000, and that on that occasion the President of the Cuban National Assembly had also been denied an entry visa. This year, the Secretary-General of IPU had received assurances from the United States authorities that a visa would be granted if requested sufficiently in advance. Accordingly, the visa application for the President and his delegation had been presented to the relevant office of the United States in Havana on 15 June 2005, two months ahead of the opening of the Conference. The reason alleged by the United States authorities to deny the visas was that the Conference was convened by IPU and not by the United Nations. Hence, the United States authorities, drawing from the opinion issued in 2000 by the then Legal Counsel, did not consider it an official United Nations activity. However, the Legal Counsel's opinion also indicated that the connection between the 2000 IPU Conference and the United Nations was so strong that it was expected that the host country would issue visas as a measure of courtesy. It also urged the host country to reconsider its initial decision to deny the visas. Accordingly, the Permanent Representative lamented the fact that the matter had not been reconsidered in 2000 and that a similar situation had occurred in 2005. He pointed out that, subsequent to the Legal Counsel's opinion of 2000, IPU had been granted observer status in the General Assembly pursuant to resolution 57/32 of 19 November 2002. Subsequently, the Assembly, in its resolution 59/19 of 8 November 2004, had not only welcomed the holding of the Conference but called upon the host country to extend the usual courtesies to participants from all parliamentary delegations of States Members of the United Nations. The General Assembly had adopted that resolution without a vote and without any delegation objecting to its content. The Permanent Representative thus considered that the denial of visas was not justified.

48. The Permanent Representative of Cuba then turned to the difficulties encountered by the Cuban delegation in relation to the High-level Plenary Meeting of the sixtieth session of the General Assembly, regretfully observing that, as a result of those difficulties, the delegation had been unable to attend the welcoming lunch of the Secretary-General, the debate on financing for development or the photo session and the round table held on 14 September 2005. He emphasized that visa applications had, however, been submitted sufficiently in advance. In conclusion, the Permanent Representative of Cuba suggested that, in its recommendations to the General Assembly, the Committee should consider including a request to ensure the granting of visas to participants in future meetings or conferences held at United Nations Headquarters in New York and organized jointly with the United Nations. Finally, he expressed the wish that the authorities of the host country would lift visa restrictions on Cuban delegates and officials.

49. The observer of the Bolivarian Republic of Venezuela expressed support for the remarks made by the Permanent Representative of Cuba. He also expressed his

concerns about the difficulties encountered by his delegation in connection with access to the High-level Plenary Meeting of the sixtieth session of the General Assembly by President Hugo Chávez Frías. He explained that the host country had denied the required visas for key personnel in the entourage of the President, such as individuals responsible for his security and members of his medical team. As a result, the President's travel plan had been significantly delayed and he had not been able to attend the inaugural day of the session. The Permanent Representative deplored the lack of compliance with the Headquarters Agreement and the rules and regulations on the attendance of Heads of State and high diplomatic officials at United Nations meetings. He recalled the obligation of the host country to issue entry visas in a timely fashion to representatives of Member States in keeping with section 11 of the Headquarters Agreement.

50. The representative of the Russian Federation, paying due tribute to the efforts made by the United States Mission in lending its assistance with regard to the issuance of visas on a case-by-case basis, underlined that the 15-working-day time frame for granting visas was too long and constantly created difficulties for Russian representatives invited to perform official functions in the host country. Referring to the previous request of the Russian Federation in that regard, he expressed the hope that the matter would be given due consideration by the host authorities. Quoting specific examples, he also stated that even the established deadline for issuing visas was not always respected by the host country.

51. The representative of the Libyan Arab Jamahiriya expressed support for the comments made by the representatives of Cuba, the Bolivarian Republic of Venezuela and the Russian Federation. He explained that his delegation encountered similar difficulties with the time frame imposed by the host country and the delay with which such visas were sometimes issued. He nevertheless conveyed his gratitude to the representative of the host country since a number of problems encountered previously had been overcome, and all travel restrictions applicable to Libyan citizens had been lifted. With regard to the High-level Plenary Meeting of the General Assembly, he stated that it had been expected that the Prime Minister would participate in the meeting. However, he had received his visa two months after submission of his application. Hence, no arrangements could be made for his arrival on time. He thus expressed the hope that the host country would take action to address the matter in a manner consistent with the Headquarters Agreement in order to facilitate the efficient and flexible participation of delegations in the work of the United Nations.

52. The observer of the Syrian Arab Republic expressed similar concerns and questioned the host country's commitment to facilitating the work and participation of delegations in the work of the United Nations. With respect to the IPU Conference, he noted that it had been held on United Nations premises, under the sponsorship of the United Nations, and that IPU was an observer in the General Assembly of the United Nations. He also recalled that the function of the Office of Legal Affairs was to provide legal advice to the Secretary-General which was not mandatory for the General Assembly. He thus called upon the United States authorities to comply with international law and the Headquarters Agreement. He also regretfully observed that, as a result of delays in granting visas, the intergovernmental process was being delayed and negatively affected. In conclusion, he expressed support for the statements made by the previous speakers

and suggested that in its report the Committee should recommend a higher level of commitment from the host country as to the facilitation of intergovernmental work.

53. In response to the various comments made, the representative of the United States first recalled that some years previously the host country had indicated that the United States authorities would attempt to issue visas to delegations or individuals coming to the United Nations on official United Nations business within 15 working days. As a result of security concerns, the Committee had been advised two years before that the host authorities might need 20 working days to issue visas. Nonetheless, visas were issued as soon as possible under United States immigration law, including overnight, within 3 to 4 days or within a week or two. The United States Mission had worked very closely with two of the missions that had made interventions on visas during the meeting, namely, the Permanent Mission of Cuba and the Permanent Mission of the Russian Federation. Such cooperation had led to significant improvement. He noted that it was very difficult for the United States Mission to take proactive action with regard to visas when it was not aware of visa applications. He thus suggested that, in the event someone was unreasonably delayed or was coming to a meeting on an emergency basis, the relevant Mission should inform the Host Country Affairs Section of the United States Mission and make its concerns known.

54. He then addressed individual concerns, starting with the case of visa applicants mentioned by the Russian Federation. He explained that the United States Mission had been informed of those cases only one day before the meeting. Indicating that the Department of State had immediately been alerted, he expressed confidence that those visas would be expedited. He thanked the Russian Mission for bringing the matter to his attention.

55. With regard to the denial of a visa for the President of the Cuban National Assembly, the representative referred to the note of the United States Mission reproduced in document A/AC.154/363. He explained that the President of the Cuban National Assembly and other Cuban parliamentarians had applied for B visas, i.e., tourist visas. That was the type of visa required since the IPU Conference was not a United Nations meeting. The denial of such visas was based on ineligibilities which were consistent with the United States domestic immigration policies for B visas. The President of the Cuban National Assembly had then applied for a G visa and had not been granted such a visa because, in accordance with opinion of the Legal Counsel of 2000, the IPU Conference was not an official United Nations meeting. As far as the High-level Plenary Meeting of the General Assembly was concerned, he indicated that the Foreign Minister had been issued a visa on 13 September 2005. He regretted that the latter had been unable to travel on that day.

56. The representative of the United States also offered clarifications with respect to the entry on United States territory of President Chávez Frías' delegation. He provided detailed figures as to the number of applications received and the number of visas issued, underlining that no visas had been denied although several were pending for technical reasons. He concluded by inviting the Permanent Mission of the Bolivarian Republic of Venezuela to contact the United States Mission in order to obtain more information on the status of any of the outstanding applications.

57. The Permanent Representative of Cuba expressed gratitude for the efforts of the United States Mission to resolve the problems associated with the granting of

visas to Cuban officials throughout 2005. He expressed the hope that the appropriate mechanism of cooperation set up in the past year would be maintained. He also expressed surprise that the President of the Cuban National Assembly ought to apply for a tourist visa in order to attend the IPU Conference, as the latter was not a tourist activity. He also specified that the G visa requested on 29 August had been granted on 13 September 2005 at 4.30 p.m., at which time there had been no possibility to travel from Havana to New York.

58. The observer of the Bolivarian Republic of Venezuela made a clarification as to the type and number of visas requested for the High-level Plenary Meeting of the sixtieth session of the General Assembly. She emphasized that a number of specific threats had been directed against President Chávez Frías, and specifically from individuals in the United States. Nevertheless, those persons who had been denied a visa were precisely the most important people for the President's security and his medical well-being. She thus asked for a remedy and requested that proper treatment be extended to any official accompanying him in his official functions.

59. The representative of the United States clarified that, so far, no visas for Venezuelan delegates had been denied. He also pointed out that it was an obligation of the United States to protect all visiting delegates, especially Heads of State. He finally recalled that his Government had provided the necessary security to President Chávez Frías, stressing that he had never been in any danger during his stay.

D. Exemption from taxes

60. At the 225th meeting, the observer of Jamaica commented on personal tax exemption. She stated that many vendors refused to accept the tax exemption cards, either because of alleged inability, ignorance or resentment vis-à-vis the diplomatic community. She also deplored the vendors' requests for forms, which she described as an irritant since they obliged diplomats to carry the forms with them to perform their daily purchases. She wondered whether this was due to a lack of information and expressed the hope that the host authorities would address the matter.

61. These comments were supported by the observer of Zambia, who further enquired whether the host authorities could assist his delegation on issues related to utilities like gas, for which tax exemption was being refused by the host Government.

62. The observer of the Syrian Arab Republic also shared the concerns expressed, stressing that vendors' practice was not consistent, as in some instances no tax exemption forms were requested from diplomats. He also lamented the fact that some vendors bluntly rejected the exemption cards while others, such as cable or telephone companies, refused to process reimbursement claims. He accordingly sought the advice of the representative of the host country on the matter.

63. The representative of the United States thanked the observer of Jamaica and others for raising the issue. He stated that the Office of Foreign Missions in New York was responsible for dealing with sales tax exemptions, and that the acting regional director was present at the meeting. Consistent with the latter's suggestion, the representative of the United States invited mission members who were having a particular problem with a particular vendor to contact the Office of Foreign

Missions, whose tax exemption department would contact the vendor in question. The representative of the United States also referred to the remark made by the observer of the Syrian Arab Republic about the unsystematic requests for forms by some vendors. He pointed out that the Office of Foreign Missions had specifically requested the State of New York to abandon that requirement. Unfortunately, he had been informed that New York State had declined. He indicated that the issue would, when appropriate, be revisited by the Office of Foreign Missions. He expressed a firm belief that, in those cases where sales taxes had been paid in New York State, there were possibilities of reimbursement, subject to the completion of formal procedures. He invited the Jamaican Mission and, by extension, any other mission that was not taking advantage of the utility tax and gasoline tax exemption programmes to apply for such programmes. Finally, he stressed that the Office of Foreign Missions was fully ready to assist delegations with regard to difficulties of this nature.

E. Host country travel regulations

64. At the 224th meeting, the representative of the Russian Federation sought the lifting of restrictions on movement, in United States territory, of officials of the Russian Mission, and of staff members of the Secretariat who were Russian nationals. He recalled that the matter had been raised on a number of occasions and deplored the lack of progress.

65. The representative of Cuba followed up on the matter. He questioned restrictions on travel outside the restricted zones, for example, measures imposed on certain personnel of permanent missions, including the Cuban Mission, which restricted movement to a 25-mile radius from Columbus Circle. He referred to the fact that a representative of the Mission had been denied authorization to travel from New York to attend a meeting relating to the International Criminal Court organized in Princeton by the Permanent Mission of Liechtenstein. Similarly, an expert from Havana had been denied a visa and could not attend that meeting.

66. With regard to the query raised by the representative of the Russian Federation, the representative of the host country explained that travel restrictions applied to nationals of certain missions for national security reasons. He further noted that travel restrictions were subject to constant review and that, as far as Russian nationals were concerned, only a few individuals were required to notify the United States authorities at the time of travel. Their travel was not subject to prior approval and no official United Nations-related travel was affected. However, the United States Mission would look again at the possibility of lifting travel restrictions for Russian nationals, as was being done on a constant basis for all countries.

67. With respect to the restrictions referred to by the representative of Cuba, the representative of the United States Mission indicated that, after carefully reviewing the issue, the United States authorities had determined that the meeting held in Princeton was conducted under the sponsorship of a Liechtenstein educational organization in Princeton in conjunction with the Permanent Mission of Liechtenstein to the United Nations. As such, it was not an official United Nations meeting, or a United Nations-related meeting, but an informal gathering sponsored by a Liechtenstein non-governmental organization. The United States authorities

opined that it was not necessary to permit travel for non-official United Nations business.

68. The representative of Cuba stated that she did not fully agree with the manner in which the representative of the host country qualified the Princeton meeting. She stressed that the meeting, while logistically organized by some non-governmental organizations, had been chaired by the Permanent Representative of Liechtenstein and included issues which were an integral part of the United Nations agenda. As such, it could not be considered a meeting unrelated to the United Nations.

69. At the 225th meeting, the Permanent Representative of Cuba observed that movement restrictions imposed on Cuban diplomats in a 25-mile radius from Columbus Circle were, regrettably, still in effect, and that his delegation was looking forward to the day when they would be lifted.

70. The representative of the Russian Federation stated that the Russian delegation had asked that the item "Host country travel regulations" be included in the agenda of the 225th meeting so that the delegation could express its grave concern about the restrictions on movement on the territory of the United States for staff of the Russian Mission and those citizens of the Russian Federation working at the Secretariat. He did not wish to repeat the substance of the position of the Russian Federation, which was well known. He only wanted to remind the Committee, that, as was well known to many delegations, the Russian Federation belonged to a specific group of countries which continued to be subjected to discriminatory procedures. He stressed the Russian delegation's dissatisfaction with the explanations it had received, in the framework of the Committee, according to which the staff of the Russian Mission was subjected to requests for information as opposed to requests for permission for them to travel beyond a 25-mile radius from Columbus Circle. He opined that those procedures were discriminatory. He thus asked the representative of the United States to bring the matter to the attention of his authorities in the hope that the existing regime would be terminated in the very near future.

71. The representative of the United States assured the representative of the Russian Federation that his concern and his statement would be reported to his capital. As indicated at previous meetings, the regime of travel restrictions was under constant review, and he referred to a recent diplomatic note from the United States Mission addressed to the Russian Mission. The latter introduced a slight further relaxation of the travel restrictions at the border's entry and exit points to include Atlanta, Georgia, which would also apply to Russian nationals who were members of the Secretariat. He confirmed that the regime would continue to be reviewed in the future.

IV. Recommendations and conclusions

72. **At its 226th meeting, on 28 October 2005, the Committee approved the following recommendations and conclusions:**

(a) **The Committee reaffirms the Headquarters Agreement and the provisions of the 1961 Vienna Convention on Diplomatic Relations and the 1946 Convention on the Privileges and Immunities of the United Nations;**

(b) Considering that the maintenance of appropriate conditions for the delegations and missions accredited to the United Nations is in the interest of the United Nations and all Member States, the Committee appreciates the efforts made by the host country to that end and anticipates that all issues raised at its meetings, including those referred to below, will be duly settled in a spirit of cooperation and in accordance with international law;

(c) The Committee notes that the observance of privileges and immunities is an issue of great importance. The Committee emphasizes the need to solve, through negotiations, problems that might arise in this regard for the normal functioning of the delegations and the missions accredited to the United Nations;

(d) Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee appreciates the efforts made by the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of the missions;

(e) The Committee continued to review the implementation of the Parking Programme for Diplomatic Vehicles (A/AC.154/355, annex), noting the problems experienced by some permanent missions in connection with its implementation. The Committee shall remain seized of the matter, with a view to continuously ensuring the proper implementation of the Parking Programme in a manner that is fair, non-discriminatory, effective and therefore consistent with international law;

(f) The Committee notes the comments made by the host country with regard to efforts made to improve the implementation of the Parking Programme and also notes the participation of the representatives of the City of New York in its meetings;

(g) The Committee requests the host country to continue to bring to the attention of New York City officials reports about other problems experienced by the permanent missions or their staff in order to improve the conditions for their functioning and to promote compliance with international norms concerning diplomatic privileges and immunities, and to continue to consult with the Committee on these important issues;

(h) The Committee recalls that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI), the Committee shall consider, and advise the host country on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations;

(i) The Committee anticipates that the host country will enhance its efforts to ensure the issuance, in a timely manner, of entry visas to representatives of Member States pursuant to article IV, section 11, of the Headquarters Agreement to travel to New York on official United Nations business, including to attend official United Nations meetings, and notes that a number of delegations have requested shortening the time frame applied by the host country for issuance of entry visas to representatives of Member States, since this time frame poses difficulties for the full-fledged participation of Member States in United Nations meetings; the Committee also anticipates that

the host country will enhance efforts to facilitate participation, including visa issuance, of representatives of Member States in other United Nations meetings as appropriate;

(j) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee notes that some travel restrictions were removed during the course of the past year, and continues to urge the host country to remove the remaining travel restrictions as soon as possible; in that regard, the Committee also notes the positions of the affected Member States as reflected in the report, of the Secretary-General and of the host country;

(k) The Committee stresses the importance of permanent missions, their personnel and Secretariat personnel meeting their financial obligations;

(l) The Committee welcomes the participation of Members of the United Nations in its work and emphasizes its importance. The Committee also welcomes the participation of representatives of the Secretariat in its work. The Committee is convinced that its important work has been strengthened by the cooperation of all concerned;

(m) The Committee wishes to reiterate its appreciation to the representative of the United States Mission in charge of host country affairs and to the Host Country Affairs Section of the United States Mission to the United Nations, as well as to those local entities, in particular the New York City Commission for the United Nations, Consular Corps and Protocol, that contribute to its efforts to help accommodate the needs, interests and requirements of the diplomatic community and to promote mutual understanding between the diplomatic community and the people of the City of New York.

Annex I

List of topics for consideration by the Committee

1. Question of the security of missions and the safety of their personnel.
2. Consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:
   (a) Entry visas issued by the host country;
   (b) Acceleration of immigration and customs procedures;
   (c) Exemption from taxes.
3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.
4. Housing for diplomatic personnel and for Secretariat staff.
5. Question of privileges and immunities:
   (a) Comparative study of privileges and immunities;
   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.
6. Host country activities: activities to assist members of the United Nations community.
7. Transportation: use of motor vehicles, parking and related matters.
8. Insurance, education and health.
9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.
10. Consideration and adoption of the report of the Committee to the General Assembly.

Annex II

List of documents

A/AC.154/362	Letter dated 6 September 2005 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country.
A/AC.154/363	Letter dated 20 September 2005 from the Permanent Representative of the United States of America to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country.

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